

## AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-19483 - APPLICANT: LIVING WATER BAPTIST CHURCH

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-19484) and Rezoning (ZON-20602) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is for a Special Use Permit for a Church/House of Worship on Sandhill Road north of Washington Avenue. A related Site Development Plan Review (SDR-19484) for a 10,327 square-foot church and a Variance (VAR-20165) to allow a residential adjacency proximity slope setback of 75 feet where 90 feet is the minimum required will be considered concurrently.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/21/02	The City Council approved a Special Use Permit (U-75-02) for a Church/House of Worship on the subject site.
04/12/07	The Planning Commission recommended approval of companion items ZON-20602 and SDR-19484 concurrently with this application.  The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #71/r1).
<b><i>Pre-Application Meeting</i></b>	
12/01/06	A pre-application meeting was held to discuss the requirements for a Site Development Plan Review and a Special Use Permit associated with a proposed Church/House of Worship.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.88

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates)
North	Open Space, Undeveloped	ML (Medium Low Density Residential), PF (Public Facility)	U (Undeveloped) and R-E (Residence Estates)
South	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Residential – Compact Lot)
East	Open Space, Undeveloped	L (Low Density Residential), PF (Public Facility)	U (Undeveloped) and R-E (Residence Estates)
West	Open Space, Single Family Residential	ML (Medium Low Density Residential), PF (Public Facility)	U (Undeveloped) and R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARD

### *Pursuant to Title 19.12*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	123,398 SF	Y
Min. Lot Width	100 Feet	130 Feet	Y
Min. Setbacks			
• Front	30 Feet	96 Feet	Y
• Side	15 Feet	50 Feet	Y
• Corner	NA	NA	Y
• Rear	20 Feet	100 Feet	Y
Max. Lot Coverage	NA	4%	Y
Max. Building Height	35 Feet	30.17 Feet	Y
Trash Enclosure	Screened, 50 Feet from Residential	Not Shown	NA
Mech. Equipment	Screened	Screened	Y

### *Pursuant to Title 19.08 the following Residential Adjacency Standards apply:*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	90 Feet	75 Feet	N*
Adjacent development matching setback	10 Feet	75 Feet	Y
Trash Enclosure	50 Feet	Not Shown	NA

\* Subject of companion Variance (VAR-20165)

***Pursuant to Title 19.10 and Title 19.12, the following landscaping standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree/6 Spaces	15 Trees	15 Trees	N*
Buffer:				
Min. Trees				
Along Sandhill	1 Tree/20 Linear Feet	7 Trees	7 Trees	Y
Along South	1 Tree/20 Linear Feet	29 Trees	24 Trees	N**
Along Wash	1 Tree/20 Linear Feet	33 Trees	3 Trees	N*
<b>TOTAL</b>				Y or N
Min. Zone Width				
• Along Sandhill	15 Feet		15 Feet	Y
• Interior Lines	8 Feet		8 Feet	Y
• Along Wash	8 Feet		8 Feet	N*

\* While a sufficient number of trees are shown for the parking area, an additional six parking lot landscape fingers shall be included in the technical landscape plan in order to maintain a ratio of one finger per six spaces in areas without landscape islands, pursuant to Title 19.10.010 (H) (10).

\*\* An additional five 24-inch box trees will be included in the south perimeter landscape buffer on the technical landscape plan as a condition of approval for a total of 29 trees spaced 20 feet on center.

\*\*\* Subject of requested Waiver, below.

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Fixed Seating	200 Seats	1/4 Seats	50				
Banquet Hall	1,000 SF	1/100 SF	10				
Subtotal			57	3	78	8*	
TOTAL (including handicap)			60		86		

\* Per condition of approval, handicapped accessible parking spaces must be have an adjacent side access aisle on each side, pursuant to Title 19.10.010 (G).

Waivers		
Request	Requirement	Staff Recommendation
No landscape buffer along wash to accommodate drainage easement.	8 Foot wide buffer with one tree every 20 linear feet	Approval

## ANALYSIS

- Zoning

The subject property is zoned R-E (Residence Estates). The R-E zoning district is intended to provide low-density residential units located on large lots, which suggests the atmosphere of a rural environment. The R-E District provides for a much lower density than the Medium-Low Density Residential category of the General Plan. The proposed use as a Church/House of Worship is permitted in the R-E District with the approval of a Special Use Permit. This application is intended to satisfy the Special Use Permit requirement.

- Use

A Church/House of Worship is defined as any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. The term includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.18. The term does not include any class of child care center, general education class-room or facility, thrift shop, homeless shelter or commercial activity. The proposed Church/House of Worship is in compliance with this definition. This applicant has requested the ancillary uses of religious instruction, child care, recreational activities, pre-school classes and formal educational programs.

- Conditions

(1) The Special Use Permit may include such activities as religious services, religious instruction, church club activities and similar activities.

(2) Functions, such as child care facilities, formal educational programs, preschool classes and similar related activities which, in the opinion of the Director of the Department of Planning and Development, are ancillary to the primary use are also permitted provided, however, that all proposed uses shall be specifically stated in the application.

(3) If after approval of the Special Use Permit, additional uses not specifically covered by the existing Special Use Permit are proposed, an additional public hearing process shall be required to add the uses.

(\*4) Thrift shops, homeless shelters and other similar activities are prohibited in residential districts and are permitted only in the zoning districts which permit such uses as primary uses.

(\*5) Churches on sites larger than five acres shall not be permitted in the U District or an R-prefixed district.

The proposed Church/House of Worship is in compliance with all of these conditions.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Church/House of Worship would be located between a single-family residential subdivision and a natural wash along Sandhill Road, north of Washington Avenue. The use as a Church/House of Worship is permitted at this location with the approval this Special Use Permit, which the applicant has requested. Due to the unusual triangular shape and the encroachment of a natural wash on the subject site, the proposed use is a more appropriate land use than residential development. Therefore, staff recommends approval.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the proposal. The site provides an adequate area for building setback so that the building height meets the requirements of Title 19.08. Further, the site plan shows ample space to provide a parking surplus of 43% from the Title 19.10 requirements.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to this site is provided via Sandhill Road, an 80-foot Secondary Collector street according to the Master Plan of Streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The approval of the Special Use Permit for this church will not compromise the public health, safety, and welfare as it contributes to the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

There are five conditions for the development of churches in a residential district. The project, as proposed, does not conflict with any of these conditions. Additionally, the proposed development will be subject to the Uniform Building Code and; therefore, the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 28

**SENATE DISTRICT** 2

**NOTICES MAILED** 474 by City Clerk

**APPROVALS** 0

**PROTESTS** 0